

REMARKS/ARGUMENTS

Claims 1-36 were originally presented.

Claims 1, 13, 17, 21, 24, 26-27, 32, and 34 are currently amended.

No claims are canceled in the current Response.

Claims 1, 4, 5, and 13 are rejected under 35 U.S.C. §112 first paragraph as failing to comply with the written description requirement.

Claims 4, 5, 7, and 35 are rejected under 35 U.S.C. §112 second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention.

Claims 1-36 are rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent 5,809,287 to Stupek, Jr. et al. (hereinafter, "Stupek") in view of U.S. Patent 6,012,088 to Li et al. (hereinafter, "Li").

Claims 1-36 remain in this application.

As a preliminary note, Applicant would like to address the Office's conflicting indications as to the status of the current Office action. On page 12, the Office indicates that the current Office action has been made final. However, the current Office action is the first action following the filing of an RCE, which was accepted by the Office and which precipitated a new ground of rejection from the Office. Applicant therefore responds herein as if the current Office action is nonfinal.

1 **Examiner Interview**

2 Applicant wishes to thank the Examiner for the Examiner interview
3 conducted on Jan 26, 2006. In particular, Applicant wishes to thank the Examiner
4 for his indication that the claim amendments in claim 1 distinguish over the cited
5 prior art in the instant case. As discussed during the interview, these amendments
6 are fully enabled at least at page 11 of the specification. Amendments rendering
7 all of the claims allowable over the cited prior art have been made, and Applicant
8 respectfully requests reconsideration of the subject application.

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10 **35 U.S.C. §112 first paragraph**

11 **Claims 1, 4, 5 and 13**

12 Claims 1, 4, 5 and 13 are rejected under 35 U.S.C. §112 first paragraph as
13 failing to comply with the written description requirement. Applicant respectfully
14 traverses the rejection.

15 The Office states that the specification omits discussion of “automatically
16 modifying as claimed, nor installing and configuring ... to include settings found
17 to be missing.” (Office Action, pages 3-4). Applicant respectfully disagrees and
18 directs the Office’s attention to page 13 of the specification which states:

19 “Based, at least in part on the assessment, configuration
20 agent 14 identifies *needed resources* and/or
21 configuration/personalization information, and *downloads* and
22 *installs* the identified resources to enhance the operational capability
23 of the host computer. In this regard, configuration agent 14 and
configuration interface 308 facilitate the ***automatic configuration***
and personalization of any of a number of host computing systems.”

24 Moreover, pages 17 and 18 of the specification state:
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1 “control logic 402 identifies how the particular computing
2 system is supposed to be configured given the information in fields
3 506-510 associated with the located identifier. Control logic 402
4 reviews the assessment of the computing system resources
5 developed by identification and characterization function 406 and
6 *identifies which resources and/or configuration and personalization*
7 *settings need to be downloaded and installed in the computing*
8 *system.”*

9 Thus, the specification supports the disputed claim language at least at pages 13,
10 17, and 18.

11 The Office also asserts that the specification fails to describe “a
12 communications device not coupled directly to the computing system”. Applicant
13 respectfully disagrees. On page 21, the specification states:

14 “Fig 9. illustrates an example implementation wherein the
15 computing system to be configured *is not the source of the issued*
16 *identifier*. Rather, a communication device 18N (also a type of
17 computing system, as defined herein) issues the identifier to
18 configure/reconfigure a computing system 18B associated with the
19 user of the communications device. According to one
20 implementation, a user utilizes the communications device 18B to
21 place a call to a telephone number associated with configuration
22 agent 14. When the call is answered, one or more identifiers
23 associated with the communications device is received such as, for
24 example, the telephone number and/or electronic serial number
25 (ESN), the name of the user associated with the communications
device (e.g., via caller-ID), and the like. Configuration agent 14
receives the identifier(s), invokes the identification facilities of
identification and characterization function 406 and attempts to
correlate the received identifier to a corresponding computing
system. If successful, configuration agent 14 assesses the resources
of the computing system 18B, downloading, installing and
configuring resources on computing system 18B in accordance with
the results of the assessment, as described above. ”

1 As clearly shown in Fig. 1, the communication device 18N is not coupled directly
2 to the computer system 18B and is not the source of the issued identifier. Rather,
3 communication device 18N is coupled to automated configuration agent 14
4 through server 12, a data network 20 and/or communications network 22 and
5 appropriate communications server 24 and transmission medium, e.g., 26.
6 (Specification pages 4-6). Conversely, computer system 18B is coupled to
7 automated configuration agent 14 through server 12, a data network 20 and/or
8 communications network 22. (Specification pages 4-5). Thus, identifiers issued
9 by the computer system 18B and the communication device 18N are
10 communicated to the configuration agent 14 over different communication paths.
11 Accordingly, the specification supports the disputed claim language.

12 For the above reasons, the rejections under 35 U.S.C. §112 first paragraph
13 in the subject Office Action are improper and should be rescinded.

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15 **35 U.S.C. §112 second paragraph**

16 **Claims 4, 5, 7 and 35**

17 Claims 4, 5, 7 and 35 are rejected under 35 U.S.C. §112 second paragraph
18 as being indefinite for failing to particularly point out and distinctly claim the
19 subject matter which Applicant regards as the invention. Applicant wishes to
20 again direct the attention of the Office to pages 4-6 of the specification along with
21 Fig. 1 in which a computing system 18N in the form of a communications device
22 is coupled to a communications network 22 via a transmission medium 26 and a
23 communications server 22. In contrast, another computing system 18B is coupled
24 directly to the communications network 22, but not directly to computing system
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1 18N. For this reason, claims 4 and 35 particularly point out and distinctly claim
2 the subject matter which Applicant regards as the invention.

3 In addition Application would also like to direct the Office to page 21 of
4 the specification, which states:

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6 “Fig. 9 illustrates an example implementation *wherein the*
7 *computing system to be configured is not the source of the issued*
8 *identifier*. Rather, a communication device 18N (also a type of
9 computing system, as defined herein) issues the identifier to
10 configure/reconfigure a computing system 18B associated with the
11 user of the communications device. According to one
12 implementation, a user utilizes the communications device 18B to
13 place a call to a telephone number associated with configuration
14 agent 14. When the call is answered, one or more identifiers
15 associated with the communications device is received such as, for
16 example, the telephone number and/or electronic serial number
17 (ESN), the name of the user associated with the communications
18 device (e.g., via caller-ID), and the like. Configuration agent 14
19 receives the identifier(s), invokes the identification facilities of
20 identification and characterization function 406 and attempts to
21 correlate the received identifier to a corresponding computing
22 system. If successful, configuration agent 14 assesses the resources
23 of the computing system 18B, downloading, installing and
24 configuring resources on computing system 18B in accordance with
25 the results of the assessment, as described above.

26 *In addition to assessing and modifying the resources of*
27 *computing system 18B, as introduced above, configuration agent 14*
28 *may also assess and modify the resources of the initiating*
29 *computing/communications device (e.g., 18B). In accordance with*
30 *this alternate implementation, a single call from communications*
31 *device 18N initiates a review and updating of resources on both*
32 *computing system 18B and 18N.”*

33 Accordingly, the computing system 18B may be a communications device.
34 Moreover, according to the specification the both the computing system 18B and a
35 communications device 18N may have their resources modified. For this reason,

1 claims 5 and 7 particularly point out and distinctly claim the subject matter which
2 Applicant regards as the invention.

3 For the above reasons, the rejections under 35 U.S.C. §112 second
4 paragraph in the subject Office Action are improper and should be rescinded.

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6 **35 U.S.C. §103 (a)**

7 Claims 1-36 are rejected under 35 U.S.C. §103(a) as being unpatentable
8 over Stupek and Li. In view of the discussion with the Examiner and the
9 amendments discussed above, claims 1-36 are allowable over the combination of
10 Stupek and Li. Applicant respectfully requests that the rejection therefore be
11 withdrawn.
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2 **Conclusion**

3 All pending claims 1-36 are in condition for allowance. Applicant
4 respectfully requests reconsideration and issuance of the present application.
5 Should any issue remain that prevents immediate issuance of the application, the
6 Examiner is encouraged to contact the undersigned attorney to discuss the
7 unresolved issue.
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9 Respectfully Submitted,

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